

EC-2135. A communication from the Attorney-Advisor of the Federal Housing Finance Board, transmitting, a notice relative to the rule entitled "Technical Amendment to Definition of Deposits in Banks or Trust Companies"; to the Committee on Banking, Housing, and Urban Affairs.

EC-2136. A communication from the Assistant Secretary for Environmental Management, Department of Energy, transmitting, pursuant to law, the report on the reduction of environmental hazards and contamination resulting from defense waste for fiscal year 1996; to the Committee on Armed Services.

EC-2137. A communication from the Deputy Under Secretary of Defense (Environmental Security), transmitting, pursuant to law, the fiscal year 1996 Defense Environmental Quality Program report; to the Committee on Armed Services.

EC-2138. A communication from the Secretary of Defense, transmitting, notices relative to retirements; to the Committee on Armed Services.

EC-2139. A communication from the Director of the Office of Small and Disadvantaged Business Utilization, (Acquisition and Technology) Under Secretary of Defense, transmitting, pursuant to law, the report on small disadvantage business, historically Black colleges and universities, and minority institutions; to the Committee on Armed Services.

EC-2140. A communication from the Assistant Secretary of the Navy (Installations and Environment), transmitting, pursuant to law, the report of a study relative to outsourcing; to the Committee on Armed Services.

EC-2141. A communication from the Secretary of Energy, transmitting, pursuant to law, a report entitled "Federal Government Energy Management and Conservation Programs, Fiscal Year 1995"; to the Committee on Energy and Natural Resources.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-131. A resolution adopted by the Roane County (Tennessee) Commission relative to the National Spallation Neutron Source; to the Committee on Commerce, Science, and Transportation.

POM-132. A concurrent resolution adopted by the Legislature of the State of Texas; to the Committee on Banking, Housing, and Urban Affairs.

HOUSE CONCURRENT RESOLUTION 109

Whereas, To ensure the prudent use of tax dollars designated for disaster assistance, the federal Flood Disaster Protection Act of 1973 mandates the purchase of flood insurance as a condition of receipt of federal or federally related financial assistance for the acquisition or construction of buildings in Special Flood Hazard Areas (SFHAs); and

Whereas, the Act prohibits federal agencies such as the Federal Housing Administration, the Veterans Administration, the Small Business Administration, and any federally regulated lending institution from making or guaranteeing a loan for a building in an SFHA unless flood insurance has been purchased; additionally, it is standard practice for most mortgage companies to require flood insurance on property in designated flood zones as a condition of a loan; and

Whereas, The Federal Emergency Management Agency (FEMA), the entity responsible for designating and mapping flood risk zones, uses several criteria to establish floodplain classifications, including a community's his-

torical flood and hydrology data, flood control measures, existing and planned development, and topography; and

Whereas, For many communities in Texas, the flood insurance requirement is determined using maps that may have been drawn as far back as the 1970s or early 1980s; these dated flood maps do not accurately reflect changes in population, development, or flood control or storm sewer improvements that a community may have implemented to reduce the risk of flooding; and

Whereas, A glaring example of this problem is the City of Laredo, where residents and business owners are required to purchase flood insurance based on FEMA-designated flood zone maps drawn in 1982; and

Whereas, During the past decade, the City of Laredo has constructed numerous concrete channels to divert flood waters and has made storm sewer improvements to help reduce the risk of flood; these projects have been carried out to accommodate the rapid population growth in the city, which has tripled in size over the last 15 years; and

Whereas, The result of federally mandated flood insurance requirements based on outdated maps has created a windfall for insurance companies, which are collecting millions of dollars in flood insurance from people who no longer live in flood zones: Now, therefore, be it

Resolved, That the 75th Legislature of the State of Texas hereby urge the Congress of the United States to request that the Federal Emergency Management Agency update community flood maps every 10 years; and, be it further

Resolved, That the Texas secretary of state forward official copies of this resolution to the president of the United States, to the speaker of the house of representatives and president of the senate of the United States Congress, and to all members of the Texas delegation to the congress with the request that it be officially entered in the Congressional Record as a memorial to the Congress of the United States of America.

POM-133. A resolution adopted by the Senate of the Legislature of the State of Oregon; to the Committee on Energy and Natural Resources.

SENATE RESOLUTION 3

Whereas the State of Oregon owns the water resources within the state's rivers, streams and lakes; and

Whereas the State of Oregon has authorized and allowed for the acquisition of the right to the use of water for beneficial purposes and any person may perfect such water right as a vested property right under Oregon law; and

Whereas chapter 228, Oregon Laws 1905, specifically authorized appropriation of water for use in projects authorized under the Federal Reclamation Act of 1902; and

Whereas chapter 5, Oregon Laws 1905, specifically authorized the use of the bed of the Upper Klamath Lake for the storage of water for reclamation and irrigation use and for no other purpose; and

Whereas the Klamath Project was authorized and constructed pursuant to the laws of the states of Oregon and California and the United States; and

Whereas pioneers, settlers, homesteaders and veterans of two world wars, by their industry and commitment, have made the farmland in the Klamath Project enormously productive and a valued part of the economy and culture of the states of Oregon and California; and

Whereas water has been appropriated to beneficial use within the Klamath Project in Oregon and California for irrigation of approximately 230,000 acres; and

Whereas irrigators within the Klamath Project have acquired rights to the use of waters of the Klamath River for irrigation, and these rights are recognized and confirmed in the Klamath River Basin Compact, ratified by the states of Oregon and California and consented to by Act of Congress in 1957; and

Whereas the State of Oregon has the legal authority to quantify and regulate rights to the use of water in Oregon; and

Whereas the State of Oregon has undertaken to adjudicate certain rights to the use of the Klamath River and its tributaries; and

Whereas the United States Court of Appeals has confirmed, over the objection of the United States Department of the Interior, that the State of Oregon has the right and responsibility to determine and administer the rights of claimants to the use of the Klamath River and its tributaries; and

Whereas the United States Department of the Interior has directed and proposes to direct the operation of Klamath Project facilities to allocate water to purposes other than irrigation, including instream purposes and instream uses in California; and

Whereas the Department of the Interior has used and proposes to use the bed of Upper Klamath Lake for the storage of water for purposes other than irrigation, in contravention of the limited authority granted by the State of Oregon; and

Whereas the Department of the Interior purports to have the authority to administratively determine and allocate the water of Oregon and to allocate water away from authorized Klamath Project irrigation uses; and

Whereas the position of the State of Oregon is that the Department of the Interior lacks authority to allocate water or reallocate Klamath Project water supplies and the administration of water must proceed in a manner consistent with Oregon's system for the administration of water rights; and

Whereas the Department of the Interior has failed and refused to address legitimate, fair and fundamental questions concerning its authority and actions; and

Whereas the Department of the Interior has failed and refused to protect the rights of the water users in the Klamath Project vis a vis the thousands of junior users in the Klamath watershed, and has instead proposed only to reallocate water used in the Klamath Project to other users and uses; and

Whereas the actions of the Department of the Interior have resulted in division, distrust and anger; and

Whereas it is desirable and in the interests of the State of Oregon that the rights and interests of the Klamath Project irrigators and Oregon's system for the allocation and administration of water rights be respected; now, therefore,

Be It Resolved by the Senate of the State of Oregon:

(1) The President and the Congress of the United States are respectfully urged to:

(a) Act to ensure the protection and respect for the State of Oregon's authority to allocate water and to determine and administer rights to the use of water; and

(b) Ensure that the United States Department of the Interior and other federal agencies do not operate or direct the operation of Klamath Project facilities except in accordance with the State of Oregon's system for the determination and administration of water rights and to ensure, at a minimum, that the priority of rights in the Klamath Project to the use of Klamath River water is enforced and protected.

(2) A copy of this resolution shall be sent to the President of the United States, the Secretary of the United States Department of the Interior, the President of the Senate

and the Speaker of the House of Representatives of the United States and to each member of the Oregon Congressional Delegation.

POM-134. A concurrent resolution adopted by the Legislature of the State of Texas; to the Committee on the Judiciary.

HOUSE CONCURRENT RESOLUTION 94

Whereas, The American people have been threatened by terrorists' actions against citizens, government, and private property, with many of these terrorist activities being carried out with explosive materials; and

Whereas, In passing the Antiterrorism and Effective Death Penalty Act of 1996 (Pub. L. No. 104-132), the United States Congress closed several loopholes in the effective administration of justice against terrorist activities; in particular, mandating that the Bureau of Alcohol, Tobacco, and Firearms (BATF) conduct a study on the feasibility of tagging, or rendering inert, several products related to the production of explosive materials; and

Whereas, The same act of congress also required the use of detection agents in plastic explosives, increased penalties for conspiracies involving the use of explosives, and provided assistance to law enforcement personnel to combat the threat of terrorism both domestically and abroad; and

Whereas, The Legislature of the State of Texas is aware of the research and implementation efforts of other countries that may provide useful information to protect lives and property through the careful and successful use of taggants; and

Whereas, The BATF is being assisted in its effort to study the technical options and feasibility by the National Research Council (NRC), and to provide this assistance, the NRC has established a "Committee on Marking, Rendering Inert, and Licensing of Explosive Materials"; now, therefore, be it

Resolved, That the 75th Legislature of the State of Texas hereby commend the United States Congress for recognizing the threat to public health and security from the misuse of explosives; and, be it further

Resolved, That the legislature pledge its full support to the efforts now underway by the BATF and the NRC to study the economic, practical, and technical feasibility of tagging, or otherwise rendering inert, explosive materials; and, be it further

Resolved, That the legislature strongly support the active participation of stakeholder interests, including representatives of affected manufacturers and law enforcement personnel, in the conduct of the BATF and NRC studies; and, be it further

Resolved, That the legislature urge the participants of the NRC study to carefully consider the experiences of other countries and how those experiences may relate to the NRC study; and, be it further

Resolved, That the legislature looks forward to the results of the BATF and NRC studies, both the interim report, which is due April 1997, and the final report, which is due February 1998, to advise the State of Texas in establishing reasonable and effective controls on explosive materials and thereby contribute to the enhanced protection of all Texans; and, be it further

Resolved, That the Texas secretary of state forward official copies of this resolution to the president of the United States, to the speaker of the house of representatives and the president of the senate of the United States Congress, and to all the members of the Texas delegation to the congress with the request that this resolution be officially entered in the Congressional Record as a memorial to the Congress of the United States of America.

POM-135. A concurrent resolution adopted by the Legislature of the State of Texas; to the Committee on the Judiciary.

SENATE CONCURRENT RESOLUTION 32

Whereas, The south bank of the Red River constitutes the boundary between the states of Texas and Oklahoma; and

Whereas, The exact determination of where the south bank of the Red River is located is extremely difficult to ascertain and subject to widely divergent opinion; and

Whereas, The south bank of the Red River is not a permanent location, but is constantly changing; and

Whereas, The federal government claims ownership of the south half of the Red River within a 116-mile stretch between the 98th Meridian and the mouth of the North Fork of the Red River; and

Whereas, The Kiowa, Comanche, and Apache tribes claim entitlement to 62½ percent of the revenues derived from oil and gas production from these lands; and

Whereas, The changing location of the south bank and the difficulty in determining its location at any given time have created problems in the enforcement of laws, collection of taxes, economic development, and the establishment of property ownership; and

Whereas, It is to the mutual advantage of the states of Texas and Oklahoma to agree on and establish a practicable boundary between both states; and

Whereas, By House Concurrent Resolution 128, Acts of the 74th Legislature, the Texas Red River Boundary Commission was created; and

Whereas, The term of the commission expires on June 30, 1998; and

Whereas, The states of Texas and Oklahoma are working together to adopt a boundary compact to present to their respective legislatures; and

Whereas, If the Texas Red River Boundary Commission is unable to reach a boundary agreement with the Oklahoma Red River Boundary Commission on or before June 30, 1998, the work of the commission will be lost; and

Whereas, It is to the benefit of the citizens of Texas to extend the term of the Texas commission and enable it to continue its work toward a joint boundary resolution; now, therefore, be it

Resolved by the 75th Legislature of the State of Texas, That the term of the Red River Boundary Commission is hereby extended to June 30, 2000; commission members, not to exceed 17 in number, shall be appointed by the governor; the commissioners shall be representative of private property owners, local government elected officials, mineral interests, and the general public; such members shall serve without compensation, except for reasonable travel reimbursement; staffing for this commission shall be provided by the General Land Office, the Office of the Attorney General, and the Texas Natural Resource Conservation Commission; and, be it further

Resolved, That the chairman shall be appointed by the governor; and, be it further

Resolved, That it shall be the duty of the commission to confer and act in conjunction with the representatives appointed on behalf of the State of Oklahoma for the following purposes:

(1) to initially make a joint investigation at the joint expense of the two states as to the appropriate method of establishing a practicable location of the common boundary between the two states with respect to the Red River;

(2) to investigate, negotiate, and report as to the necessity and advisability of a compact between the two states defining and locating a practicable, identifiable state line;

(3) to hold such hearings and conferences in either of the two states as may be required and to take such action, either sepa-

ately or in cooperation with the State of Oklahoma or the United States, or both, as may be necessary or convenient to accomplish the purposes of this resolution; and

(4) to report to the governor and the Legislature of the State of Texas annually no later than January 15 of each year its findings and recommendations concerning joint action by the State of Texas and the State of Oklahoma; and, be it further

Resolved, That the Red River Boundary Commission shall terminate on June 30, 2000; and, be it further

Resolved, That the legislature hereby respectfully request the president and the Congress of the United States to meet and confer with the commission and the representatives of the State of Oklahoma and to assist in carrying out the purposes of this resolution; and, be it further

Resolved, That the governor of the State of Texas be and is hereby empowered and requested to forward a copy of this resolution to the governor of the State of Oklahoma and to request that the governor or legislature of that state appoint representatives of the State of Oklahoma to confer and act in conjunction with the commission for the purposes above specified, with the understanding that each state pay all expenses of its representatives; and, be it further

Resolved, That the Texas secretary of state forward official copies of this resolution to the president of the United States, the speaker of the house of representatives and president of the senate of the United States Congress and to all members of the Texas delegation to the congress with the request that it be officially entered in the Congressional Record as a memorial to the Congress of the United States of America.

POM-136. A resolution adopted by the Senate of the Legislature of the State of Michigan; to the Committee on Labor and Human Resources.

SENATE RESOLUTION NO. 61

Whereas, In the years since science discovered the harmful effects of chlorofluorocarbons on the earth's protective ozone layer, the United States and other industrial nations have implemented numerous changes to reduce the release of certain chemicals into the air. An international agreement, the Montreal Protocol, has put in place requirements that will have far-reaching health benefits. Alternate processes and materials are now used instead of CFCs routinely by all Americans; and

Whereas, In addition to the industrial and refrigeration uses of CFCs, the chemicals are invaluable to millions of people for their medical applications. An exception to the ban on CFCs was made for their essential uses in pharmaceuticals. For the 30 million Americans with various respiratory conditions, including asthma and cystic fibrosis, CFCs are essential to metered dose inhalers (MDI), a vital component of treatment. In recognition of the life-saving work that MDIs have made possible over the past forty years, provisions have been made through the Montreal Protocol and the FDA to phase in restrictions for CFCs in MDIs; and

Whereas, The current plan is for all CFCs to be prohibited from MDIs one year after a single non-CFC MDI is available. This proposal, if put in place without amendment, holds many perils for sufferers of asthma, chronic obstructive pulmonary disease, and cystic fibrosis; and

Whereas, As alternatives to CFCs in MDIs are developed, it is necessary to acknowledge that the success of inhalers in delivering medications is enhanced by the fact that there are several options available to patients. Some types of inhalers and products

work better with some patients than others with the identical disease. There needs to be an adequate number of alternatives for treatment for patients, instead of ending the search for new products after only one is identified; now, therefore, be it

Resolved by the Senate, That we memorialize the Congress of the United States and the Food and Drug Administration to phase out the use of chlorofluorocarbons from medical inhalers in a schedule of at least three years to permit the development of as many treatment alternatives as possible; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, the members of the Michigan congressional delegation, and the Food and Drug Administration

POM-137. A joint resolution adopted by the Legislature of the State of Alaska; to the Committee on Appropriations.

LEGISLATIVE RESOLVE NO. 8

Be it resolved by the Legislature of the State of Alaska:

Whereas the United States and Canada entered into an agreement to reconstruct and pave the Alaska Highway from the Alaska-Canada border to Haines Junction, Yukon Territory, Canada, and the Haines Cutoff Highway from Haines Junction, Yukon Territory, Canada, to the Alaska-Canada border near Haines, Alaska, known as the Shakwak project, as authorized in the Federal-Aid Highway Act of 1973; and

Whereas the Congress authorized \$59,000,000 in 1973 for the project and has appropriated \$47,000,000 to the Federal Highway Administration for actual construction by Canada; and

Whereas the Congress further authorized \$20,000,000 a year for fiscal years 1993-1996 under the Intermodal Surface Transportation Efficiency Act of 1991, which has been fully appropriated; and

Whereas, in the last 16 years, the state has provided \$37,000,000 of state federal-aid highway apportionments to assist in meeting the obligations of the agreement; and

Whereas the estimated amount necessary to complete the entire project was in the order of \$260,000,000 in United States dollars; be it

Resolved, That the Alaska State Legislature respectfully requests the United States government and the Canadian government to honor their agreement and provide the additional funds necessary through direct federal appropriations, independent of the federal funds apportioned to Alaska by the Federal Highway Administration, to complete the remaining portions of the Shakwak project; and be it

Further resolved, That the United States Congress is respectfully requested to immediately appropriate an additional \$94,000,000 to allow work on additional project segments to proceed to a bituminous surface treatment standard.

POM-138. A joint resolution adopted by the Legislature of the State of Alaska; to the Committee on Banking, Housing, and Urban Affairs.

LEGISLATIVE RESOLVE NO. 10

Be it resolved by the Legislature of the State of Alaska:

Whereas Alaska had, by regulation, imposed a primary manufacturing requirement applicable to timber harvested from state-owned land that is destined for export from the state; and

Whereas that regulation was permissive, allowing the director of the division of land to require that primary manufacture of for-

est products be accomplished within the state; and

Whereas, considering the Commerce Clause of the United States Constitution, in *Wunnicke*, 467 U.S. 82, 81 L.Ed.2d 71, 104 S.Ct. 2237 (1984), the United States Supreme Court determined that the state's regulation could not be given effect; while the court found evidence of a clearly defined federal policy imposing primary manufacture requirements as to timber taken from federal land in Alaska, it determined that the existing Congressional sanction reached only to activities on federal land and concluded that the state's assertion of Congressional authorization by silence to allow a state to regulate similar activities on nonfederal land could not be inferred; and

Whereas since the *Wunnicke* decision, the Congress has, in the Forest Resources Conservation and Shortage Relief Act of 1990, extended an existing ban on unprocessed log exports from federal land in the 11 contiguous Western states to cover timber harvested from nonfederal sources in those states; the extension of the ban on unprocessed log exports in those states collectively does not affect Alaska; and

Whereas the principal purposes, stated or assumed, in the 1990 Congressional Act for extending the ban on unprocessed log exports in the contiguous Western states—the efficient use and effective conservation of forests and forest resources, the avoidance of a shortfall in unprocessed timber in the marketplace, and concern for development of a rational log export policy as a national matter—are equally valid with respect to the significant timber resources held by this state, its political subdivisions, and its public university; and

Whereas the state cannot act to regulate, restrict, or prohibit the export of unprocessed logs harvested from land of the state, its political subdivisions, and the University of Alaska without a legislative expression demonstrating Congressional intent that is unmistakably clear;

Be it resolved, That the Legislature of the State of Alaska urges the United States Congress to give an affirmative expression of approval to a policy authorizing the state to regulate, restrict, or prohibit the export of unprocessed logs harvested from its land and from the land of its political subdivisions and the University of Alaska.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

S. 417. A bill to extend energy conservation programs under the Energy Policy and Conservation Act through September 30, 2002 (Rept. No. 105-25).

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, without amendment:

H.R. 649. A bill to amend sections of the Department of Energy Organization Act that are obsolete or inconsistent with other statutes and to repeal a related section of the Federal Energy Administration Act of 1974 (Rept. No. 105-26).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. JEFFORDS, from the Committee on Labor and Human Resources:

Jose-Marie Griffiths, of Tennessee, to be a Member of the National Commission on Libraries and Information Science for a term expiring July 19, 2001.

Kathryn O'Leary Higgins, of South Dakota, to be Deputy Secretary of Labor.

Yerker Andersson, of Maryland, to be a Member of the National Council on Disability for a term expiring September 17, 1999 (Reappointment).

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. TORRICELLI:

S. 875. A bill to promote online commerce and communications, to protect consumers and service providers from the misuse of computer facilities by others sending bulk unsolicited electronic mail over such facilities, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. GREGG (for himself, Mr. TORRICELLI, Mr. SMITH of New Hampshire, and Mr. JOHNSON):

S. 876. A bill to establish a nonpartisan commission on Federal election campaign practices and provide that the recommendations of the commission be given expedited consideration by Congress; to the Committee on Rules and Administration.

By Mr. MCCAIN (by request):

S. 877. A bill to disestablish the National Oceanic and Atmospheric Administration Corps of Commissioned Officers; to the Committee on Commerce, Science, and Transportation.

By Mr. HATCH:

S. 878. A bill to redesignate the Federal building located at 717 Madison Place, Northwest, in the District of Columbia, as the "Howard T. Markey National Courts Building"; to the Committee on Environment and Public Works.

By Mr. FEINGOLD:

S. 879. A bill to provide for home and community-based services for individuals with disabilities, and for other purposes; to the Committee on Finance.

By Mr. GORTON:

S. 880. A bill to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel DUSKEN IV; to the Committee on Commerce, Science, and Transportation.

By Mr. WYDEN (for himself and Mr. SMITH of Oregon):

S. 881. A bill to provide for a land exchange involving the Warner Canyon Ski Area and other land in the State of Oregon; to the Committee on Energy and Natural Resources.

By Mrs. BOXER:

S. 882. A bill to improve academic and social outcomes for students by providing productive activities during after school hours; to the Committee on Labor and Human Resources.

By Mr. GREGG (for himself, Mr. ROTH, Mr. FAIRCLOTH, Mrs. HUTCHISON, Mr. MURKOWSKI, Mr. SANTORUM, and Ms. COLLINS):